

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS P. KOESTLER,

1:16-cv-07175-DLC

Petitioner,

-against-

ORDER

MARTIN SHKRELI,

Respondent.

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DENISE L. COTE, District Judge

The Court having issued the Order for Turnover and Appointment of Receiver dated August 16, 2021 (ECF #120, the "Receivership Order")¹ in connection with a Judgment (ECF #22) pursuant to which Derek C. Abbott was appointed as Receiver; and

The Receiver and Judgment Creditor having made application to the Court for a further order directing disclosure of information concerning the nature and extent of the Judgment Debtor's interest in and to the Phoenixus Stock, including voting and other rights as may be attendant to such stock (and any other Phoenixus stock), and the matter having been heard by the Court on October 12, 2021; and sufficient cause appearing therefor,

¹Capitalized terms are as defined in the Order for Turnover and Appointment of Receiver (ECF #120).

IT IS ORDERED, that the Receiver's application is granted as follows:

1. The Receiver and Judgment Creditor are authorized to obtain documents and information pertaining to the nature and extent of the Judgment Debtor's interest in and to Phoenixus AG (including its subsidiaries and successors, "Phoenixus") and the Phoenixus Stock and any voting rights attendant to such stock or other securities or instruments of or related to Phoenixus.
2. Phoenixus is directed to provide, on or before November 5, 2021, to the Receiver and his attorneys and the Judgment Creditor and his attorneys all information in any way relevant to the nature and extent of the Judgment Debtor's interest in and to Phoenixus and as to all voting rights the Judgment Debtor has with respect to any stock or other securities or instruments of or related to Phoenixus, including the Phoenixus Stock.
3. Phoenixus is further directed to provide to the Receiver and his attorneys and the Judgment Creditor and his attorneys all documents, disclosures and information as to any matters for which stockholder participation, vote or consent is sought, requested or noticed regarding

Phoenixus in advance of the time for such participation, vote or consent should be provide.

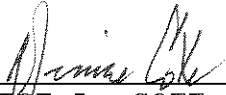
4. The Judgment Debtor are also directed to furnish to the Receiver and his attorneys and the Judgment Creditor and his attorneys the materials described in paragraphs 2 and 3 above
5. The Judgment Debtor is directed to take such steps and to execute such documentation as may be necessary in accordance with applicable law and rules and to the fullest extent possible thereunder to authorize and cause Phoenixus to comply with the foregoing paragraphs 2 and 3.
6. The Judgment Debtor shall immediately notify Phoenixus of this Order and direct that copies of any and all stockholder notices and other communications from Phoenixus be contemporaneously ^gbe provided to the Receiver and his attorneys and the Judgment Creditor and his attorneys.
7. The Judgment Debtor is directed to cooperate with the Receiver and Judgment Creditor in obtaining the information and documents from Phoenixus as set forth above.

8. Such documents and information pertaining to Phoenixus and the Phoenixus Stock shall be produced to the Receiver and the Judgment Creditor no later than November 5, 2021 and in accordance with Item (1) of the Court's Order dated October 13, 2021 (ECF #143). All such materials produced shall be deemed designated as "Confidential" in accordance with the confidentiality order which shall be issued in this matter, provided however that nothing herein or therein shall be construed to limit or restrict in any way the use of any Confidential Material by the Receiver, the Petitioner and Judgment Creditor or any of their counsel in taking any steps for purposes of enforcing the Judgment in the Enforcement Action against Martin Shkreli or in any related action or proceeding or in enforcement of any judgment related to or arising out of the Enforcement Action and, in the case of the Receiver, the Receiver's use of the Confidential Material in the execution of his duties under the Receivership Order subject to appropriate and reasonable

confidentiality measures.

SO ORDERED.

Dated: October 27, 2021
New York, New York



DENISE L. COTE
United States District Judge